


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

AARON L. SLEDGE,  
Appellant,  
vs.  
FERNANDIES FRAZIER, WARDEN;  
AND WARM SPRINGS  
CORRECTIONAL CENTER,  
Respondents.

No. 85433-COA

**FILED**

APR 21 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Aaron L. Sledge appeals from an order of the district court denying a petition for a writ of habeas corpus. First Judicial District Court, Carson City; James E. Wilson, Judge.

Sledge argues the district court erred by denying his July 13, 2022, petition. In his petition, Sledge challenged two prison disciplinary proceedings, one of which resulted in the loss of statutory good-time credits. He alleged that the disciplinary proceedings violated his due process rights and that he did not commit the disciplinary offenses.

Sledge did not specify below how his due process rights were violated. Nevertheless, when a prison disciplinary hearing results in the loss of statutory good-time credits, the United States Supreme Court has held minimal due process rights entitle a prisoner to: (1) advance written notice of the charges, (2) a qualified opportunity to call witnesses and present evidence, and (3) a written statement by the fact-finder of the evidence relied upon. *Wolff v. McDonnell*, 418 U.S. 539, 563-69 (1974). Prison officials have the discretion to keep a disciplinary hearing within reasonable limits and may properly decline to permit witness testimony for

many reasons. *Id.* at 566-67. And it is useful if the disciplinary hearing proceedings contain a statement as to the reasons for a refusal to permit witness testimony, “whether it be for irrelevance, lack of necessity, or the hazards presented in individual cases.” *Id.* at 566.

In addition, some evidence must support the disciplinary hearing officer’s decision. *Superintendent v. Hill*, 472 U.S. 445, 455 (1985). In reviewing a claim that the “some evidence” standard was not met, the court must determine whether there is any evidence in the record to support the disciplinary hearing officer’s conclusion. *Id.* at 455-56. Significantly, reviewing courts are not required to examine the entire record, independently assess the credibility of witnesses, or weigh the evidence. *Id.* at 455.

Sledge received two separate reports alleging that he had committed offenses in custody (OIC). In OIC #488180, Sledge was alleged to have committed unauthorized use of equipment or mail by conspiring to use the inmate mail system to introduce synthetic cannabis into Warm Springs Correctional Center. Sledge was provided with an advanced written notice of the charge. That document included a statement of the investigator’s findings regarding Sledge’s involvement in the use of the inmate mail system. Subsequently, a disciplinary hearing was conducted, and Sledge had the opportunity to present witnesses and evidence in his defense. Sledge testified at the disciplinary hearing. The documentation concerning the disciplinary hearing stated that Sledge denied involvement in a conspiracy to mail contraband into the prison and that he requested to be allowed to view additional evidence concerning the allegations and to call the investigator to testify at the hearing. The disciplinary hearing officer determined that the investigator’s testimony was not necessary as there

was sufficient evidence of Sledge's guilt given the investigator's report, the test results concerning the contraband, and the actions of the officer as depicted on a video recording. The disciplinary hearing officer therefore concluded that Sledge committed the disciplinary offense, and he provided to Sledge a written statement of the evidence relied upon.

After a review of the information concerning OIC #488180, the district court found that the prison discipline proceedings regarding that charge satisfied Sledge's right to due process because he was given advanced written notice of the charges, a qualified opportunity to call witnesses and present evidence in his defense, and a written statement by the fact-finder of the evidence relied upon. In addition, the district court found that the hearing officer's decision to deny the testimony of a requested witness based on a lack of necessity was not erroneous. The district court also found that there was some evidence to support the disciplinary hearing officer's decision that Sledge committed the disciplinary charge of unauthorized use of equipment or mail. The record supports the district court's decisions. Therefore, we conclude that Sledge is not entitled to relief regarding his challenge to the proceedings involving OIC #488180.

Sledge also was alleged to have committed unauthorized use of equipment or mail in OIC #487553. However, Sledge was found not guilty of committing the disciplinary offense at issue in that matter, and he was therefore not disciplined as a result of that proceeding. The district court found that Sledge did not suffer a loss of credits or any other liberty interest as a result of OIC #487553. The record supports the district court's finding. Thus, Sledge's claims concerning OIC #487553 were not cognizable in his petition. *See Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984). Accordingly, we conclude that Sledge is not entitled to relief regarding his

challenge to the proceedings involving OIC #487553. Therefore, the district court did not err by denying the petition, and we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. James E. Wilson, District Judge  
Aaron L. Sledge  
Attorney General/Carson City  
Attorney General/Las Vegas  
Carson City Clerk

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<sup>1</sup>Sledge appears to argue on appeal that the prison officials erred by denying his request to review documentary evidence. This claim was not raised in Sledge's petition filed in the district court. Therefore, we decline to consider it on appeal in the first instance. See *McNelson v. State*, 115 Nev. 396, 415-16, 990 P.2d 1263, 1275-76 (1999).